

**Board of Towing and Recovery Operators
Compliance and Consumer Affairs Committee Meeting
December 2, 2009 – 10:00 a.m.
Department of Motor Vehicles
Room No. 119, 2300 West Broad St. Richmond, VA 23220**

Draft Minutes

Members Absent:

Charlie Brown

Brock Cole – Designee of the Commissioner of the
Department of Motor Vehicles

Members Present:

Mark Sawyers – Acting Chairman
Roy Boswell

Ken Mitchell
Erin Williams – Designee of the Department of
Agriculture and Consumer Services

Staff Present:

Marc Copeland – Executive Director
Barbara Drudge – Compliance Officer

Meeting Called to Order:

The meeting was called to order at 10:05 a.m., recessed at 11:52 a.m., and reconvened at 12:00 p.m.

Public Comment:

Public comment consisted of suggestions to hire additional compliance officers, as well as a need for stricter enforcement especially for towers who are on State Police towing rotations.

It was suggested that BTRO obtain a list of the “WT” tags from DMV in order to cross-check license plates with those of licensed towers, and that towers show their business license as well as their towing license to DMV in order to receive towing license plates. Additionally, the roles of BTRO and of state and local law enforcement were clarified, and Ms. Drudge stated that local law enforcement is contacted when unlicensed towers do not come into compliance.

Review Compliance Process:

The Committee reviewed the Corrective Action Plan for handling towing and recovery complaints. Additionally, it was suggested that the BTRO staff handle complaints that do not warrant a suspension, revocation, or civil penalty. The BTRO staff assured the Committee that civil penalties would not be imposed on a tower without Board approval, and that clarification would be made in the Corrective Action Plan to reflect this.

Additional Public Comment:

Additional public comment included concerns on local towing advisory boards around the state not being legal, as well as suggestions that local jurisdictions enforce their own ordinances. Also, in reference to the penalty point assessment process, it was confirmed that penalty points that towers receive from the Board for violations of laws and regulations would be displayed on the BTRO website once that process is finalized. Additionally, it was clarified that licensed towing operators are eligible penalty points if their drivers are not licensed.

Meeting Adjournment:

Mr. Mitchell requested a motion for adjournment at 1:41 p.m, and to reconvene the meeting on December 15, 2009 at 9:00 a.m. Mr. Boswell seconded that motion. All were in favor unanimously.

**Compliance and Consumer Affairs Committee Meeting Reconvened
December 15, 2009 – 9:00 a.m.
Department of Motor Vehicles
Room No. 131, 2300 West Broad St. Richmond, VA 23220**

Meeting Reconvened at 9:10 a.m. on December 15, 2009.

Members Present:

Charlie Brown - Chairman
Ken Mitchell
Brock Cole – Designee of the
Commissioner of the Department
of Motor Vehicles

Mark Sawyers
Roy Boswell
Erin Williams – Designee of the Department of
Agriculture and Consumer Services

Board Counsel:

Jeff Spencer – Senior Assistant Attorney General

Staff Present:

Marc Copeland – Executive Director
Barbara Drudge – Compliance Officer

The Chairman called the meeting to order at 9:10 a.m.

There were no public comments.

Chairman Brown started his review of the Complaint Process under definitions, and was informed by Ms. Drudge that changes from the December 2, 2009 meeting would be incorporated in this draft.

There was Committee discussion on the term “Tow Advisory Board” versus “Local Jurisdiction”, and they were committed to making a distinction to ensure that the Board was not usurping authority from localities. The Committee agreed to use the term “Local Jurisdiction” in lieu of “Tow Advisory Board”. Jeff Spencer wants to ensure that localities are not exceeding their authority in regards to towing complaints, and that it may be more appropriate to seek guidance from a locality.

Ms. Drudge advised Chairman Brown that she would incorporate changes made at the December 2, 2009 Committee meeting into the Complaint Process for consistency purposes, and replace the term “Towing Advisory Board” with “Local Jurisdiction” throughout the Complaint Process, the Corrective Action Plan, and the Penalty Assessment Process.

Mark Sawyers requested that the three policies and procedures before the Committee be recirculated after the mark-up for review at the next scheduled Committee meeting.

Meeting Adjournment:

Mr. Sawyers requested a motion for adjournment at 10:00 a.m. Mr. Mitchell seconded that motion. All were favor unanimously.